

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA**

In re: Baycol Products Litigation

UNITED STATES OF AMERICA *ex rel.*
LAURIE SIMPSON,

Honorable Michael J. Davis
United States District Court Judge

Plaintiff,

v.

BAYER HEALTHCARE
PHARMACEUTICALS, INC.;
BAYER CORP.; and
BAYER A.G.,

MDL No. 1431
Civil No. 08-5758(MJD)(SER)

Defendants.

JOINT STATUS REPORT

In accordance with the Court’s January 18, 2019 Order (ECF No. 178), Relator Laurie Simpson (“Relator”) and Defendants Bayer Healthcare Pharmaceuticals, Inc., Bayer Corp., and Bayer A.G. (“Bayer”) (together, the “Parties”), respectfully submit the following joint status report.

Since the last Joint Status Report on September 17, 2019, the Parties have continued to make progress regarding discovery. On September 24, 2019, Bayer served a subpoena for documents on the Department of Defense and anticipates a response from the Department of Defense in the next few weeks. On September 27, 2019, Relator served her Responses and Objections to Bayer’s First Request for Production of Documents. The Parties are scheduling a meet and confer to discuss the Responses and Objections. On October 2, 2019, Bayer made its first production of documents in response to Relator’s Second Request for Production of

Documents and produced over 10,000 pages of documents responsive to Relator's various requests. Bayer is continuing to review documents that are potentially responsive to the Relator's Second Request for Production of Documents and anticipates making a second production of responsive documents by November 1, 2019.

At this time, the Parties do not believe that there are any discovery issues that require the Court's intervention. The Parties are available if the Court wishes to discuss the status of discovery at the conference scheduled for October 22, 2019. But in light of the foregoing, the Parties believe that the status conference may be postponed until November 26, 2019.

Dated: October 15, 2019

Respectfully submitted,

KESSLER TOPAZ
MELTZER & CHECK LLP
/s/ Asher Alavi

Asher Alavi
aalavi@ktmc.com
David Bocian
dbocian@ktmc.com
280 King of Prussia Road
Radnor, PA 19087
(484) 270-1402

Counsel for Relator Laurie Simpson

Respectfully submitted,

BARTLIT BECK HERMAN
PALENCHAR & SCOTT LLP
/s/ Adam Hoeflich

Philip S. Beck
Adam Hoeflich
54 W. Hubbard Street, Suite 300
Chicago, IL 60603
(312) 494-4400

SIDLEY AUSTIN LLP
/s/ Kristin Graham Koehler
Kristin Graham Koehler (*pro hac vice*)
kkoehler@sidley.com
Ryan C. Morris (*pro hac vice*)
rmorris@sidley.com
Joshua J. Fougere (*pro hac vice*)
jfougere@sidley.com
Matthew J. Letten (*pro hac vice*)
mletten@sidley.com
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000

DORSEY & WHITNEY LLP
/s/ John Marti

John Marti (#0388393)
marti.john@dorsey.com
Alex P. Hontos (#0388355)
hontos.alex@dorsey.com
Caitlin L.D. Hull (#0398394)
hull.caitlin@dorsey.com
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402
(612) 340-2600

*Counsel for Defendants Bayer
Corporation, Bayer AG, and
Bayer Healthcare Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

I certify that on October 15, 2019, the foregoing document was served this day on all counsel of record via CM/ECF.

/s/ Caitlin L.D. Hull